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FILED
JUL 16 2010
U.S. STATES BANKRUPTCY COURT

Attorneys for Plaintiff/Creditor HERBERT K. LEE, III, an individual

**UNITED STATES BANKRUPTCY COURT, FOR THE
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

In Re:

TIMOTHY JOSEPH ROBERTSON, an individual

Debtor,

HERBERT K. LEE, III, an individual

Plaintiff/Creditor,

vs.

TIMOTHY J. ROBERTSON, an individual, and
DOES 1-10, inclusive,

Debtor/Defendant.

Case No. 09-33960
Chapter 7
Adv. No. 10-03046

**NOTICE OF APPLICATION AND
REQUEST AND APPLICATION AND
REQUEST FOR ISSUANCE OF
ALIAS SUMMONS AND
DECLARATION OF CHRISTIAN S.
MOLNAR, ESQ.**

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiff/Creditor, HERBERT K. LEE, III, hereby makes this Application and Request for the
issuance of an Alias Summons to serve on Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, an
individual, and his counsel, Jeena J. Cho, Esq. This Application is based upon this Notice and the

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1 attached Declaration of Christian S. Molnar, Esq.

2 Dated: July 15, 2010

Law Offices of Christian S. Molnar

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Christian S. Molnar, Attorney for
Plaintiff/Creditor HERBERT K. LEE III

DECLARATION OF CHRISTIAN S. MOLNAR

I, Christian S. Molnar, Esq., declare as follows:

1. I am attorney duly admitted to practice before all of the courts of the State of California and the United States Bankruptcy Court for the Northern District of California, San Francisco Division. I am a partner in the Law Offices of Christian S. Molnar, attorneys of record for Plaintiff/Creditor HERBERT K. LEE, III, an individual, in the above-referenced matters. I have personal knowledge of the facts set forth herein and if called as a witness to testify I could and would do so competently.

2. I make this Declaration in support of the request for issuance of an Alias Summons.

3. On March 19, 2010, Plaintiff/Creditor HERBERT K. LEE, III, filed an adversary complaint in the United States Bankruptcy Court for the Northern District of California and a summons was issued by that Court on the same day, Adv. Case No.: 10-3046.

4. Through my own inadvertence, I did not serve the adversary complaint on counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON within the time allotted by the applicable rules of the Court.

5. On Sunday, May 23, 2010, at 5:43 p.m., Defendant/Debtor TIMOTHY JOSEPH ROBERTSON was personally served at his home address with copies of the Summons and adversary complaint, *inter alia*.

6. On Monday, May 24, 2010, I was informed by Defendant/Debtor TIMOTHY JOSEPH ROBERTSON's counsel, Jeena J. Cho, Esq., that she would be objecting to the alleged untimely service of Defendant/Debtor TIMOTHY JOSEPH ROBERTSON based on the failure to serve the debtor within fourteen (14) days of the issuance of the summons by the bankruptcy court.

7. Subsequently, On Wednesday May 26, 2010, Plaintiff/Creditor HERBERT K. LEE, III, filed a Notice of Application and Request For Alias Summons and Declaration of Christian S. Molnar in the United States Bankruptcy Court for the Northern District of California, San Francisco Division, and the requested Alias Summons was issued by that Court on the same day, Adv. Case No.: 10-3046.

8. On Monday, June 7, 2010, Defendant/Debtor TIMOTHY JOSEPH ROBERTSON was personally served at his home address with a copy of the Alias Summons and Complaint, *inter alia*.

9. Through my own inadvertence, I did not serve the Alias Summons on counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, Jenna J. Cho, Esq., within the time allotted by the applicable rules of the Court.

10. On Friday, June 25, 2010, Defendant/Debtor TIMOTHY JOSEPH ROBERTSON filed a Motion to Quash Service of Alias Summons based on failure of Plaintiff/Creditor HERBERT K. LEE, III, to serve counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, Jeena J. Cho, Esq. The Hearing for Motion to Quash Service of Alias Summons is scheduled for hearing in the United States Bankruptcy Court, San Francisco Division, on July 23, 2010 at 10:00 a.m., in Courtroom 22. Plaintiff/Creditor HERBERT K. LEE, III, concedes that the Motion to Quash Service of Alias Summons is well taken and hereby seeks an issuance of a new Alias Summons so that he may serve Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, and counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, Jeena J. Cho, Esq., according to the applicable rules of this Court.

11. I am making this application and request for the Court to issue a new Alias Summons so that I may serve Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, and counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, Jeena J. Cho, Esq., according to the applicable rules of this Court. Concurrently herewith Plaintiff/Creditor HERBERT K. LEE, III is filing a First Amended Complaint which Plaintiff/Creditor HERBERT K. LEE, III will serve on Defendant/Debtor TIMOTHY JOSEPH ROBERTSON and counsel for Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, Jeena J. Cho, Esq., along with the request for Alias Summons.

12. Enclosed herewith is the original Alias Summons issued by the court on May 26, 2010 which I am hereby surrendering.

Executed on July 15, 2010, at Pacific Palisades California

Christian S. Molnar, Declarant

**UNITED STATES BANKRUPTCY COURT
Northern District of California**

In Re: Timothy Joseph Robertson Debtor(s)	Bankruptcy Case No.: 09-33960 Chapter: 7
Herbert K. Lee, III Plaintiff(s) vs. Timothy J. Robertson Defendant(s)	Adversary Proceeding No. 10-03046

**FIRST ALIAS SUMMONS AND NOTICE OF STATUS CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

United States Bankruptcy Court 235 Pine Street, 19th floor Post Office Box 7341 San Francisco, CA 94120
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At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Christian S. Molnar Law Offices of Christian S. Molnar 15219 W. Sunset Blvd #202 Pacific Palisades, CA 90272

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that scheduling conference of proceeding commenced by filing of the complaint will be held at the following time and place.

DATE: July 23, 2010	TIME: 01:30 PM
LOCATION: U.S. Bankruptcy Court, 235 Pine St. 22nd Fl., San Francisco, CA 94104	

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE CONSENT TO ENTRY OF A JUDGMENT BY BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.



For the Court:

Gloria L. Franklin
Clerk of Court
United States Bankruptcy Court

Dated: 5/26/10

Michelle Walker
Deputy Clerk

CERTIFICATE OF SERVICE

I, _____ (name), certify that service of this summons and copy of the complaint was made _____ (date) by:

- ☐ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:
- ☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:
- ☐ Residence Service: By leaving the process with the following adult as:
- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addresses to the following officer of the defendant at:
- ☐ Publication: The defendant was served as follows: [Describe briefly]
- ☐ State Law: The defendant was served pursuant to the laws of State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature _____

Print Name: _____

Business Address: _____

UNITED STATES BANKRUPTCY COURT
Northern District of California

In Re: Timothy Joseph Robertson Debtor(s) Herbert K. Lee, III Plaintiff(s) vs. Timothy J. Robertson Defendant(s)	Bankruptcy Case No.: 09-33960 Chapter: 7 Adversary Proceeding No. 10-03046
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**FIRST ALIAS SUMMONS AND NOTICE OF STATUS CONFERENCE
 IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

United States Bankruptcy Court
 235 Pine Street, 19th floor
 Post Office Box 7341
 San Francisco, CA 94120

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Christian S. Molnar
 Law Offices of Christian S. Molnar
 15219 W. Sunset Blvd #202
 Pacific Palisades, CA 90272

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that scheduling conference of proceeding commenced by filing of the complaint will be held at the following time and place.

DATE: July 23, 2010

TIME: 01:30 PM

LOCATION: U.S. Bankruptcy Court, 235 Pine St. 22nd Fl., San Francisco, CA 94104

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE CONSENT TO ENTRY OF A JUDGMENT BY BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.



For the Court:

Gloria L. Franklin
 Clerk of Court
 United States Bankruptcy Court

Dated: 5/26/10

Michelle Walker
 Deputy Clerk

CERTIFICATE OF SERVICE

I, _____ (name), certify that service of this summons and copy of the complaint was made _____ (date) by:

- ☐ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:
- ☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:
- ☐ Residence Service: By leaving the process with the following adult as:
- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addresses to the following officer of the defendant at:
- ☐ Publication: The defendant was served as follows: [Describe briefly]
- ☐ State Law: The defendant was served pursuant to the laws of State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature _____

Print Name: _____

Business Address: _____

PROOF OF SERVICE

UNITED STATES BANKRUPTCY COURT OF CALIFORNIA, NORTHERN DISTRICT

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action.

On July 15, 2010, I served the foregoing document described as:

**NOTICE OF INTENT OF PLAINTIFF TO FILE FIRST AMENDED COMPLAINT
OBJECTING TO DISCHARGE OF DEBT**

on the following interested party in this action:

Debtor and Defendant TIMOTHY JOSEPH ROBERTSON, an individual

X by placing X a true copy _ the original in a sealed envelope addressed as follows:

**Ms. Jeena J. Cho, Esq.
JC LAW GROUP
580 California Street, Suite 1200
San Francisco, California 94104**

**Mr. Timothy J. Robertson
3557 Farm Hill Blvd. #4
Redwood City, California 94061**

X **BY MAIL:** [Pursuant to California *Code of Civil Procedure* Section 415.40] I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY ELECTRONIC MAIL

by placing a true copy attached and addressed as follows:

BY FACSIMILE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 15, 2010, at Pacific Palisades, California.


AVRAHAM KALAF